

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

United States of America	)	
	)	Cr. No. 6:09-1067-HMH
vs.	)	
	)	<b>OPINION &amp; ORDER</b>
Alvaro Ezequiel Alas,	)	
	)	
Movant.	)	

This matter is before the court on Alvaro Ezequiel Alas's ("Alas") pro se "motion for reconsideration and to invoke discovery" pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. On August 2, 2012, the court summarily dismissed Alas's motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. For the reasons set forth herein, the court denies Alas's motion for reconsideration and to invoke discovery.

Rule 60(b) "invest[s] federal courts with the power in certain restricted circumstances to vacate judgments whenever such action is appropriate to accomplish justice." Compton v. Alton S.S. Co., 608 F.2d 96, 101-02 (4th Cir. 1979) (internal quotation marks omitted). "The remedy provided by the Rule, however, is extraordinary and is only to be invoked upon a showing of exceptional circumstances." Id. at 102. Rule 60(b) "does not authorize a motion merely for reconsideration of a legal issue." United States v. Williams, 674 F.2d 310, 312 (4th Cir. 1982). "Where the motion is nothing more than a request that the district court change its mind . . . it is not authorized by Rule 60(b)." Id. at 313. In his motion, Alas generally moves for reconsideration and requests discovery. However, Alas provides no explanation how discovery would support his claims raised in his § 2255 motion. Alas merely requests access to recordings and transcripts with the hope that such "evidence could assist [him] in submitting a potentially

meritable claim.” (Def.’s Mot. Recons. and Disc. at \*2). Alas has made no showing of exceptional circumstances or defects in the court’s decision. Based on the foregoing, Alas’s motion is denied.

It is therefore

**ORDERED** that Alas’s motion for reconsideration, docket number 204, is denied.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
Senior United States District Judge

Greenville, South Carolina  
September 11, 2012

#### **NOTICE OF RIGHT TO APPEAL**

The Petitioner is hereby notified that he has the right to appeal this order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.